

House File 2675 - Introduced

HOUSE FILE _____
BY McCARTHY

(COMPANION TO LSB 6638SS
BY GRONSTAL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act pertaining to qualifications for and payment of
2 unemployment compensation benefits, and including effective
3 and applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6638HH 82
6 ak/rj/5

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1 1 Section 1. Section 96.3, subsections 3, 4, and 5, Code
1 2 2007, are amended to read as follows:
1 3 3. PARTIAL UNEMPLOYMENT. An individual who is partially
1 4 unemployed in any week as defined in section 96.19, subsection
1 5 38, paragraph "b", and who meets the conditions of eligibility
1 6 for benefits shall be paid with respect to that week an amount
1 7 equal to the individual's weekly benefit amount less that part
1 8 of wages payable to the individual with respect to that week
1 9 in excess of ~~one-fourth~~ one-third of the individual's weekly
1 10 benefit amount. The benefits shall be rounded to the lower
1 11 multiple of one dollar.
1 12 4. DETERMINATION OF BENEFITS. ~~With respect to benefit~~
~~1 13 years beginning on or after July 1, 1983, an An~~ eligible
1 14 individual's weekly benefit amount for a week of total
1 15 unemployment shall be an amount equal to ~~the following~~
~~1 16 fractions one-twenty-first~~ of the individual's total wages in
1 17 insured work paid during that quarter of the individual's base
1 18 period in which such total wages were highest; the director
1 19 shall determine annually a maximum weekly benefit amount equal
1 20 to ~~the following percentages, to vary with the number of~~
~~1 21 dependents, sixty-five percent~~ of the statewide average weekly
1 22 wage paid to employees in insured work which shall be
1 23 effective the first day of the first full week in July+.
1 24 ~~if the~~ The weekly Subject to
~~1 25 number of~~ benefit amount the following
~~1 26 dependents~~ shall equal maximum
~~1 27 is+~~ the following percentage of
1 28 fraction of high the statewide
1 29 quarter wages+ average
1 30 weekly wage+
~~1 31 0~~ 1/23 53%
~~1 32 1~~ 1/22 55%
~~1 33 2~~ 1/21 57%
~~1 34 3~~ 1/20 60%
~~1 35 4 or more~~ 1/19 65%
2 1 PARAGRAPH DIVIDED. The maximum weekly benefit amount, if
2 2 not a multiple of one dollar shall be rounded to the lower
2 3 multiple of one dollar. ~~However, until such time as~~
~~2 4 sixty-five percent of the statewide average weekly wage~~
~~2 5 exceeds one hundred ninety dollars, the maximum weekly benefit~~
~~2 6 amounts shall be determined using the statewide average weekly~~
~~2 7 wage computed on the basis of wages reported for calendar year~~
~~2 8 1981. As used in this section "dependent" means dependent as~~
~~2 9 defined in section 422.12, subsection 1, paragraph "c", as if~~
~~2 10 the individual claimant was a taxpayer, except that an~~
~~2 11 individual claimant's nonworking spouse shall be deemed to be~~
~~2 12 a dependent under this section. "Nonworking spouse" means a~~
~~2 13 spouse who does not earn more than one hundred twenty dollars~~
~~2 14 in gross wages in one week.~~
2 15 5. a. DURATION OF BENEFITS. The maximum total amount of
2 16 benefits payable to an eligible individual during a benefit

2 17 year shall not exceed the total of the wage credits accrued to
2 18 the individual's account during the individual's base period,
2 19 or twenty-six times the individual's weekly benefit amount,
2 20 whichever is the lesser. The maximum total amount of
2 21 benefits, if not a multiple of one dollar, shall be rounded to
2 22 the lower multiple of one dollar. The director shall maintain
2 23 a separate account for each individual who earns wages in
2 24 insured work. The director shall compute wage credits for
2 25 each individual by crediting the individual's account with
2 26 ~~one-third~~ one-half of the wages for insured work paid to the
2 27 individual during the individual's base period. ~~However, the~~
2 28 ~~director shall recompute wage credits for an individual who is~~
2 29 ~~laid off due to the individual's employer going out of~~
2 30 ~~business at the factory, establishment, or other premises at~~
2 31 ~~which the individual was last employed, by crediting the~~
2 32 ~~individual's account with one-half, instead of one-third, of~~
2 33 ~~the wages for insured work paid to the individual during the~~
2 34 ~~individual's base period.~~ Benefits paid to an eligible
2 35 individual shall be charged against the base period wage
3 1 credits in the individual's account which have not been
3 2 previously charged, in the inverse chronological order as the
3 3 wages on which the wage credits are based were paid. However
3 4 if the state "off indicator" is in effect and if the
3 5 individual is laid off due to the individual's employer going
3 6 out of business at the factory, establishment, or other
3 7 premises at which the individual was last employed or was
3 8 employed during the base period, the maximum benefits payable
3 9 shall be extended to thirty-nine times the individual's weekly
3 10 benefit amount, but not to exceed the total of the wage
3 11 credits accrued to the individual's account.

3 12 b. TRAINING EXTENSION BENEFITS. An individual who has
3 13 been separated from a declining occupation or who has been
3 14 involuntarily separated from employment as a result of a
3 15 permanent reduction of operations at the last place of
3 16 employment or at a base-period employer and who is in training
3 17 with the approval of the director shall be eligible for a
3 18 training extension benefit amount. A declining occupation is
3 19 one in which there is a lack of sufficient current demand in
3 20 the individual's labor market area for the occupational skills
3 21 for which the individual is fitted by training and experience
3 22 or current physical or mental capacity and the lack of
3 23 employment opportunities is expected to continue for an
3 24 extended period of time, or the individual's occupation is one
3 25 for which there is a seasonal variation in demand in the labor
3 26 market and the individual has no other skill for which there
3 27 is current demand. The training extension benefit amount
3 28 shall be twenty-six times the individual's weekly benefit
3 29 amount and the weekly benefit amount shall be equal to the
3 30 individual's weekly benefit amount for the claim in which
3 31 benefits were exhausted while in training. An individual who
3 32 is receiving training extension benefits shall not be denied
3 33 benefits due to application of section 96.4, subsection 3, or
3 34 section 96.5, subsection 3. However, an employer's account
3 35 shall not be charged with benefits so paid. Relief of charges
4 1 under this paragraph "b" applies to both contributory and
4 2 reimbursable employers, notwithstanding section 96.8,
4 3 subsection 5. In order for the individual to be eligible for
4 4 training extension benefits all of the following criteria must
4 5 be met:

4 6 (1) The training is for a high-demand or high technology
4 7 occupation, including fields of life sciences, advanced
4 8 manufacturing, biotechnology, alternative fuels, insurance,
4 9 and environmental technology. "High-demand occupation" means
4 10 an occupation in a labor market area in which the department
4 11 determines work opportunities are available and there is a
4 12 lack of qualified applicants.

4 13 (2) The individual must file an unemployment insurance
4 14 claim for any benefits to which the individual becomes
4 15 entitled under state or federal law, and must draw any
4 16 unemployment insurance benefits on that claim until the claim
4 17 has expired or has been exhausted, in order to maintain the
4 18 individual's eligibility under this paragraph "b". Any state
4 19 benefits paid shall be deducted from the total of the training
4 20 extension benefit amount. Training extension benefits end
4 21 upon completion of the training even though a portion of the
4 22 training extension benefit amount may remain.

4 23 (3) To the extent permitted by federal law, benefits
4 24 payable under any federal unemployment compensation law shall
4 25 be included as benefits payable under this paragraph "b".

4 26 (4) The individual must enroll and participate in the
4 27 training and make satisfactory progress to complete the

4 28 training.

4 29 (5) The individual is considered to be in training during
4 30 a regularly scheduled vacation or recess period of three weeks
4 31 or less but not during a summer vacation period or school
4 32 break longer than three weeks. If the individual immediately
4 33 returns to training after the summer vacation or break period
4 34 of longer than three weeks, the individual may reopen the
4 35 training extension benefit claim. Otherwise, the individual
5 1 must be continuously in training in order to be eligible for
5 2 training extension benefits.

5 3 (6) In a three-year period, an individual may receive a
5 4 maximum of twenty-six weeks of consecutive or nonconsecutive
5 5 training extension benefits, which may be received in
5 6 connection with multiple claims in that period.

5 7 Sec. 2. Section 96.3, subsection 6, paragraph b, Code
5 8 2007, is amended to read as follows:

5 9 b. The director shall prescribe fair and reasonable
5 10 general rules applicable to part-time workers, for determining
5 11 their full-time weekly wage, and the total wages in employment
5 12 by employers required to qualify such workers for benefits.
5 13 ~~Part-time workers are not required to seek or accept full-time~~
5 14 ~~employment.~~

5 15 Sec. 3. Section 96.4, subsection 4, Code 2007, is amended
5 16 to read as follows:

5 17 4. a. The individual has been paid wages for insured work
5 18 during the individual's base period in an amount at least one
5 19 ~~and one-quarter times the wages paid to the individual during~~
5 20 ~~that quarter of the individual's base period in which the~~
5 21 ~~individual's wages were highest; provided that the individual~~
5 22 ~~has been paid wages for insured work~~ totaling at least three
5 23 and five-tenths percent of the statewide average annual wage
5 24 for insured work, computed for the preceding calendar year if
5 25 the individual's benefit year begins on or after the first
5 26 full week in July and computed for the second preceding
5 27 calendar year if the individual's benefit year begins before
5 28 the first full week in July, in that calendar quarter in the
5 29 individual's base period in which the individual's wages were
5 30 highest, and the individual has been paid wages for insured
5 31 work totaling at least one-half of the amount of wages
5 32 required under this ~~subsection paragraph~~ in the calendar
5 33 quarter of the base period in which the individual's wages
5 34 were highest, ~~in a calendar quarter~~ in the individual's base
5 35 period other than the calendar quarter in which the
6 1 individual's wages were highest. The calendar quarter ~~and~~
6 2 ~~base period~~ wage requirements shall be rounded to the ~~nearest~~
6 3 ~~multiple of ten dollars~~ lower multiple of one dollar.

6 4 b. If the individual does not have sufficient wages in the
6 5 base period to qualify for benefits pursuant to this
6 6 subsection, the alternate base period shall be applied if such
6 7 alternate base period qualifies the individual for benefits
6 8 under this subsection.

6 9 c. If the individual has drawn benefits in any benefit
6 10 year, the individual must during or subsequent to that year,
6 11 work in and be paid wages for insured work totaling at least
6 12 two hundred fifty dollars, as a condition to receive benefits
6 13 in the next benefit year.

6 14 Sec. 4. Section 96.5, subsection 1, Code Supplement 2007,
6 15 is amended by adding the following new paragraph:

6 16 ~~NEW PARAGRAPH.~~ b. The individual left employment when the
6 17 individual's spouse was forced to relocate by the spouse's
6 18 employer to another area or when the spouse was forced to
6 19 relocate to another area to accept employment or better
6 20 employment, and the individual's employer has no work
6 21 available in the new area.

6 22 Sec. 5. Section 96.5, subsection 1, paragraph c, Code
6 23 Supplement 2007, is amended to read as follows:

6 24 c. ~~The individual left employment for the necessary and~~
6 25 ~~sole purpose of taking care of a member of the individual's~~
6 26 ~~immediate family who was then injured or ill, and if after~~
6 27 ~~said member of the family sufficiently recovered, the~~
6 28 ~~individual immediately returned to and offered the~~
6 29 ~~individual's services to the individual's employer, provided,~~
6 30 ~~however, that during such period the individual did not accept~~
6 31 ~~any other employment~~ The individual left employment as a
6 32 result of the illness, injury, or disability of a member of
6 33 the individual's immediate family.

6 34 Sec. 6. Section 96.5, subsection 1, paragraph j,
6 35 unnumbered paragraph 1, Code Supplement 2007, is amended to
7 1 read as follows:

7 2 The individual is a temporary employee of a temporary
7 3 employment firm who notifies the temporary employment firm of

7 4 completion of an employment assignment and who seeks
7 5 reassignment. ~~Failure of~~ If the individual fails to notify
7 6 the temporary employment firm of completion of an employment
7 7 assignment ~~within three working days of the completion of each~~
~~7 8 employment assignment under a contract of hire, the individual~~
7 9 shall be deemed a ~~voluntary quit~~ unavailable for work until
7 10 the employer is notified unless the individual was not advised
7 11 in writing of the duty to notify the temporary employment firm
7 12 upon completion of an employment assignment or the individual
7 13 had good cause for not contacting the temporary employment
7 14 firm ~~within three working days and notified the firm at the~~
~~7 15 first reasonable opportunity thereafter.~~

7 16 Sec. 7. Section 96.5, subsection 1, Code Supplement 2007,
7 17 is amended by adding the following new paragraphs:

7 18 NEW PARAGRAPH. k. The individual left employment due to
7 19 domestic abuse, as defined in section 236.2, or stalking, as
7 20 described in section 708.11, perpetrated against the
7 21 individual, and the individual reasonably believed such act
7 22 was necessary to protect the safety of the individual or the
7 23 individual's family. Benefits related to wage credits earned
7 24 with the employer that the individual has left shall be
7 25 charged to the unemployment compensation fund. This paragraph
7 26 applies to both contributory and reimbursable employers,
7 27 notwithstanding section 96.8, subsection 5. All evidence of
7 28 domestic abuse or stalking experienced by an individual,
7 29 including the individual's statement and any corroborating
7 30 evidence, shall not be disclosed by the department, except to
7 31 the parties in a contested benefit case proceeding and to the
7 32 employment appeal board or courts in an appeal or unless
7 33 consent for disclosure is granted in writing by the
7 34 individual. Evidence of domestic abuse or stalking may
7 35 include but is not limited to any of the following:

8 1 (1) A statement or report from a law enforcement agency or
8 2 professional, medical professional, mental health
8 3 professional, or domestic violence shelter or professional.

8 4 (2) Witness statements regarding an incident that causes
8 5 the individual to believe the individual's life or safety or
8 6 the life or safety of a member of the individual's family is
8 7 in danger.

8 8 NEW PARAGRAPH. l. The individual voluntarily quit
8 9 employment during the first thirty calendar days of
8 10 employment.

8 11 Sec. 8. Section 96.5, subsection 5, paragraph a,
8 12 subparagraph (1), Code Supplement 2007, is amended by striking
8 13 the subparagraph.

8 14 Sec. 9. Section 96.5, subsection 7, Code Supplement 2007,
8 15 is amended to read as follows:

8 16 7. VACATION SEPARATION PAY.

8 17 a. For the purposes of this subsection, "separation pay"
8 18 means severance pay, wages in lieu of notice, separation
8 19 allowance, dismissal pay, vacation pay, vacation pay
8 20 allowance, or pay in lieu of vacation.

8 21 b. When an employer makes a payment or becomes obligated
8 22 to make a payment to an individual for ~~vacation pay, or for~~
~~8 23 vacation pay allowance, or as pay in lieu of vacation~~
8 24 separation pay, such payment or amount shall be deemed "wages"
8 25 as defined in section 96.19, subsection 41, and shall be
8 26 applied as provided in paragraph ~~"c" hereof~~ "d".

8 27 ~~b-~~ c. When, in connection with a separation or layoff of
8 28 an individual, the individual's employer makes a payment or
8 29 payments to the individual, or becomes obligated to make a
8 30 payment to the individual as, or in the nature of, ~~vacation~~
~~8 31 pay, or vacation pay allowance, or as pay in lieu of vacation~~

8 32 separation pay, and within ten calendar days after
8 33 notification of the filing of the individual's claim,
8 34 designates by notice in writing to the department the period
8 35 to which the payment shall be allocated; provided, that if
9 1 such designated period is extended by the employer, the
9 2 individual may again similarly designate an extended period,
9 3 by giving notice in writing to the department not later than
9 4 the beginning of the extension of the period, with the same
9 5 effect as if the period of extension were included in the
9 6 original designation. The amount of a payment or obligation
9 7 to make payment, is deemed "wages" as defined in section
9 8 96.19, subsection 41, and shall be applied as provided in
9 9 paragraph ~~"c" of this subsection~~ "d".

9 10 ~~c-~~ d. Of the wages described in paragraph ~~"a"~~ "b",
9 11 ~~(whether whether~~ or not the employer has designated the period
9 12 ~~therein described)~~ described in paragraph "c", or of the wages
9 13 described in paragraph "b", if the period ~~therein~~ described in
9 14 paragraph "c" has been designated by the employer as ~~therein~~

9 15 provided in paragraph "c", a sum equal to the wages of such
9 16 individual for a normal workday shall be attributed to, or
9 17 deemed to be payable to the individual with respect to, the
9 18 first and each subsequent workday in such period until such
9 19 amount so paid or owing is exhausted. Any individual
9 20 receiving or entitled to receive wages as provided herein
9 21 shall be ineligible for benefits for any week in which the
9 22 sums, so designated or attributed to such normal workdays,
9 23 equal or exceed the individual's weekly benefit amount. If
9 24 the amount so designated or attributed as wages is less than
9 25 the weekly benefit amount of such individual, the individual's
9 26 benefits shall be reduced by such amount.

9 27 ~~d. e.~~ Notwithstanding contrary provisions in paragraphs
9 28 ~~"a" "b", "b" "c", and "c" "d",~~ if an individual is separated
9 29 from employment and is scheduled to receive ~~vacation payments~~
9 30 separation pay during the period of unemployment attributable
9 31 to the employer and if the employer does not designate the
9 32 ~~vacation separation pay~~ period pursuant to paragraph ~~"b" "c"~~
9 33 or provides notice of the designation after the period allowed
9 34 in paragraph "c", then payments made by the employer to the
9 35 individual or an obligation to make a payment by the employer
10 1 to the individual for ~~vacation pay, vacation pay allowance or~~
~~10 2 pay in lieu of vacation separation pay~~ shall not be deemed
10 3 wages as defined in section 96.19, subsection 41, for any
10 4 period in excess of one week for separation pay and such
10 5 payments or the value of such obligations shall not be
10 6 deducted for any period in excess of one week for separation
~~10 7 pay~~ from the unemployment benefits the individual is otherwise
10 8 entitled to receive under this chapter. However, if the
10 9 employer designates more than one week as the ~~vacation~~
10 10 separation pay period pursuant to paragraph ~~"b" "c",~~ the
10 11 ~~vacation pay, vacation pay allowance, or pay in lieu of~~
~~10 12 vacation separation pay~~ shall be considered wages and shall be
10 13 deducted from benefits.

10 14 ~~e. f.~~ If an employer pays or is obligated to pay a bonus
10 15 to an individual at the same time the employer pays or is
10 16 obligated to pay ~~vacation pay, a vacation pay allowance, or~~
~~10 17 pay in lieu of vacation separation pay,~~ the bonus shall not be
10 18 deemed wages for purposes of determining benefit eligibility
10 19 and amount, and the bonus shall not be deducted from
10 20 unemployment benefits the individual is otherwise entitled to
10 21 receive under this chapter.

10 22 Sec. 10. Section 96.6, subsection 2, Code 2007, is amended
10 23 to read as follows:

10 24 2. INITIAL DETERMINATION. A representative designated by
10 25 the director shall promptly notify all interested parties to
10 26 the claim of its filing, and the parties have ten days from
10 27 the date of mailing the notice of the filing of the claim by
10 28 ordinary mail to the last known address to protest payment of
10 29 benefits to the claimant. The representative shall promptly
10 30 examine the claim and any protest, take the initiative to
10 31 ascertain relevant information concerning the claim, and, on
10 32 the basis of the facts found by the representative, shall
10 33 determine whether or not the claim is valid, the week with
10 34 respect to which benefits shall commence, the weekly benefit
10 35 amount payable and its maximum duration, and whether any
11 1 disqualification shall be imposed. The claimant has the
11 2 burden of proving that the claimant meets the basic
11 3 eligibility conditions of section 96.4. The employer has the
11 4 burden of proving that the claimant is disqualified for
11 5 benefits pursuant to section 96.5, except as provided by this
11 6 subsection. The claimant has the initial burden to produce
11 7 evidence showing that the claimant is not disqualified for
11 8 benefits in cases involving section 96.5, subsection 10, and
11 9 has the burden of proving that a voluntary quit pursuant to
11 10 section 96.5, subsection 1, was for good cause attributable to
11 11 the employer and that the claimant is not disqualified for
11 12 benefits in cases involving section 96.5, subsection 1,
11 13 paragraphs "a" through ~~"h" "l".~~ Unless the claimant or other
11 14 interested party, after notification or within ten fifteen
11 15 calendar days after notification was mailed to the claimant's
11 16 last known address, files an appeal from the decision, the
11 17 decision is final and benefits shall be paid or denied in
11 18 accordance with the decision. However, if a disqualification
11 19 for benefits results in an overpayment decision, the
11 20 disqualification decision is not final unless the claimant or
11 21 other interested party, after notification of the overpayment
11 22 decision or within fifteen calendar days after notification of
11 23 the overpayment decision was mailed to the claimant's last
11 24 known address, fails to file an appeal from the overpayment
11 25 decision. An appeal of the overpayment decision shall also be

11 26 considered an appeal of the denial decision causing the
11 27 benefit overpayment, unless an appeal for the denial of
11 28 benefits has already been heard, in which case the overpayment
11 29 appeal is unaffected. If an administrative law judge affirms
11 30 a decision of the representative, or the appeal board affirms
11 31 a decision of the administrative law judge allowing benefits,
11 32 the benefits shall be paid regardless of any appeal which is
11 33 thereafter taken, but if the decision is finally reversed, no
11 34 employer's account shall be charged with benefits so paid and
11 35 this relief from charges shall apply to both contributory and
12 1 reimbursable employers, notwithstanding section 96.8,
12 2 subsection 5.

12 3 Sec. 11. Section 96.19, Code 2007, is amended by adding
12 4 the following new subsection:

12 5 NEW SUBSECTION. 0A. "Alternate base period" means the
12 6 period beginning with the first day of the five completed
12 7 calendar quarters immediately preceding the first day of an
12 8 individual's benefit year and ending with the last day of the
12 9 last completed calendar quarter immediately preceding the date
12 10 on which the individual filed a valid claim.

12 11 Sec. 12. Section 96.19, subsection 38, paragraphs b and c,
12 12 Code 2007, are amended to read as follows:

12 13 b. (1) An individual shall be deemed partially unemployed
12 14 in any week in which, while employed at the individual's then
12 15 regular job, the individual works less than the regular
12 16 full-time week ~~and in which the individual earns less than the~~
12 17 ~~individual's weekly benefit amount plus fifteen dollars or the~~
12 18 ~~regular part-time week.~~

12 19 (2) An individual shall be deemed partially unemployed in
12 20 any week in which the individual, ~~having has~~ been separated
12 21 from the individual's regular job, ~~earns at odd jobs less than~~
12 22 ~~the individual's weekly benefit amount plus fifteen dollars.~~

12 23 c. An individual shall be deemed temporarily unemployed if
12 24 for a period, verified by the department, not to exceed ~~four~~
12 25 ~~eight~~ consecutive weeks, the individual is unemployed due to a
12 26 plant shutdown, vacation, inventory, lack of work or emergency
12 27 from the individual's regular job or trade in which the
12 28 individual worked full-time and will again work full-time, if
12 29 the individual's employment, although temporarily suspended,
12 30 has not been terminated.

12 31 Sec. 13. Section 96.20, subsection 2, Code 2007, is
12 32 amended to read as follows:

12 33 2. The department may enter into arrangements with the
12 34 appropriate agencies of other states, or a contiguous country
12 35 with which the United States has an agreement with respect to
13 1 unemployment compensation or of the federal government (a)
13 2 whereby wages or services, upon the basis of which an
13 3 individual may become entitled to benefits under the
13 4 unemployment compensation law of another state or of the
13 5 federal government, shall be deemed to be wages for employment
13 6 by employers for the purposes of section 96.3 and section
13 7 96.4, subsection 5; provided such other state agency or agency
13 8 of the federal government has agreed to reimburse the fund for
13 9 such portion of benefits paid under this chapter upon the
13 10 basis of such wages or services as the department finds will
13 11 be fair and reasonable as to all affected interests, and (b)
13 12 whereby the department will reimburse other state or federal
13 13 agencies charged with the administration of unemployment
13 14 compensation laws with such reasonable portion of benefits,
13 15 paid under the law of any such other states or of the federal
13 16 government upon the basis of employment or wages for
13 17 employment by employers, as the department finds will be fair
13 18 and reasonable as to all affected interests. Reimbursements
13 19 so payable shall be deemed to be benefits for the purposes of
13 20 section 96.3, subsection 5, paragraph "a", and section 96.9,
13 21 but no reimbursement so payable shall be charged against any
13 22 employer's account for the purposes of section 96.7, unless
13 23 wages so transferred are sufficient to establish a valid claim
13 24 in Iowa, and that such charges shall not exceed the amount
13 25 that would have been charged on the basis of a valid claim.
13 26 The department is hereby authorized to make to other state or
13 27 federal agencies and receive from such other state or federal
13 28 agencies, reimbursements from or to the fund, in accordance
13 29 with arrangements pursuant to this section. The department
13 30 shall participate in any arrangements for the payment of
13 31 compensation on the basis of combining an individual's wages
13 32 and employment covered under this Act with the individual's
13 33 wages and employment covered under the unemployment
13 34 compensation laws of other states which are approved by the
13 35 United States secretary of labor in consultation with the
14 1 state unemployment compensation agencies as reasonably

14 2 calculated to assure the prompt and full payment of
14 3 compensation in such situations and which include provisions
14 4 for: Applying the base period of a single state law to a
14 5 claim involving the combining of an individual's wages and
14 6 employment covered under two or more state unemployment
14 7 compensation laws, and avoiding the duplication use of wages
14 8 and employment by reason of such combining.

14 9 Sec. 14. Section 96.23, subsection 2, Code 2007, is
14 10 amended to read as follows:

14 11 2. The individual did not receive wages from insured work
14 12 for two calendar quarters and did not receive wages from
14 13 insured work for another calendar quarter equal to or greater
14 14 than the amount required for a calendar quarter, other than
14 15 the calendar quarter in which the individual's wages were
14 16 highest, under section 96.4, subsection 4, paragraph "a".

14 17 Sec. 15. Section 96.40, subsection 8, Code 2007, is
14 18 amended to read as follows:

14 19 8. An individual shall not be entitled to receive shared
14 20 work benefits and regular unemployment compensation benefits
14 21 in an aggregate amount which exceeds the maximum total amount
14 22 of benefits payable to that individual in a benefit year as
14 23 provided under section 96.3, subsection 5, paragraph "a".

14 24 Notwithstanding any other provisions of this chapter, an
14 25 individual shall not be eligible to receive shared work
14 26 benefits for more than twenty-six calendar weeks during the
14 27 individual's benefit year.

14 28 Sec. 16. FUTURE APPROPRIATION OF FEDERAL FUNDS. Any funds
14 29 received by this state from the federal government pursuant to
14 30 section 903 of the federal Social Security Act as a result of
14 31 the enactment of this Act shall be appropriated by the general
14 32 assembly to the department of workforce development to be used
14 33 for the payment of unemployment insurance benefits or for the
14 34 administration of the Iowa employment security law, chapter
14 35 96, and public employment offices.

15 1 Sec. 17. EFFECTIVE AND APPLICABILITY DATES. The section
15 2 of this Act amending section 96.3 applies to any week of
15 3 unemployment benefits beginning on or after July 1, 2008. The
15 4 sections of this Act amending sections 96.4 and 96.5 take
15 5 effect June 29, 2008, and apply to any claim with an effective
15 6 date on or after June 29, 2008.

15 7 EXPLANATION

15 8 This bill relates to the eligibility requirements for
15 9 receiving unemployment compensation benefits.

15 10 In Code section 96.3(3), for an individual who is partially
15 11 unemployed in any week and is otherwise eligible for
15 12 unemployment benefits, the Code is changed so that the weekly
15 13 benefit amount the individual receives is reduced to
15 14 one-third, from the previous reduction to one-fourth, of the
15 15 weekly benefit amount.

15 16 In Code section 96.3(4), the bill provides that the amount
15 17 of an individual's weekly benefit amount shall equal
15 18 one-twenty-first of the individual's total wages paid in the
15 19 highest quarter of an individual's base period. The maximum
15 20 weekly benefit amount is set by the bill at 65 percent of the
15 21 statewide average weekly wage paid to employees in insured
15 22 work. The bill eliminates the calculations of the maximum
15 23 weekly benefit amount according to the number of dependents of
15 24 an individual.

15 25 In Code section 96.3(5), newly designated paragraph "a"
15 26 requires that the wage credits used to determine the total
15 27 amount of benefits payable during a benefit year are to be
15 28 calculated at one-half, rather than at one-third, of the wages
15 29 for insured work. The bill requires the maximum total amount
15 30 of benefits in a benefit year, if not a multiple of one
15 31 dollar, to be rounded to the lower multiple of one dollar.
15 32 Extended benefits are provided in relation to certain
15 33 base-period employers.

15 34 In Code section 96.3(5), new paragraph "b" establishes a
15 35 benefits extension for individuals enrolled in a training
16 1 program. The individual must be separated from a declining
16 2 occupation or have been involuntarily separated as a result of
16 3 a permanent reduction of operations at the last place of
16 4 employment or base-period employer. The individual must be
16 5 training in a high-technology occupation which is targeted for
16 6 growth and approved by the department of workforce
16 7 development. The training extension provides a maximum of 26
16 8 weeks of benefits during a three-year period from which are
16 9 deducted any federal extended benefits or succeeding-year
16 10 state regular benefits. Employers are not charged for
16 11 training benefits.

16 12 In Code section 96.3(6)(b), the bill specifies that

16 13 part-time workers are not required to seek or accept full-time
16 14 employment as a condition to be eligible to receive benefits.

16 15 In Code section 96.4(4), the bill eliminates the
16 16 requirement that to qualify for unemployment benefits an
16 17 individual must have been paid wages during the individual's
16 18 base period in an amount at least one and one-quarter times
16 19 the wages paid to the individual during the highest wage
16 20 quarter of the individual's base period. To qualify for
16 21 benefits an individual must have been paid wages totaling at
16 22 least 3.5 percent of the statewide average annual wage for
16 23 insured work in a calendar quarter in the base period and have
16 24 been paid wages for insured work totaling at least one-half of
16 25 that required amount in the other quarters in the base period.
16 26 If an individual does not qualify for benefits using the base
16 27 period, an alternate base period of five calendar quarters, as
16 28 defined in Code section 96.19(3), may be used to qualify the
16 29 individual for benefits.

16 30 In Code section 96.5(1), new paragraph "b" provides that an
16 31 individual shall not be disqualified from benefits if an
16 32 individual left employment when the individual's spouse was
16 33 forced to relocate by the spouse's employer to another area or
16 34 when the spouse was forced to relocate to another area to
16 35 accept employment or better employment, and the individual's
17 1 employer has no work available in the new area.

17 2 In Code section 96.5(1)(c), the bill amends the paragraph
17 3 by broadening the provision of benefits to an individual who
17 4 leaves a job as a result of the illness, injury, or disability
17 5 of a member of the individual's immediate family.

17 6 In Code section 96.5(1)(j), the bill provides that
17 7 temporary employees who fail to notify the temporary
17 8 employment firm of the completion of each employment
17 9 assignment shall be considered unavailable for work to qualify
17 10 for benefits until the employer is contacted.

17 11 In Code section 96.5(1), new paragraph "k" provides that an
17 12 individual shall not be disqualified from benefits if an
17 13 individual left employment for reasons related to domestic
17 14 abuse or stalking. An employer shall not be charged for
17 15 benefits related to domestic abuse or stalking claims.

17 16 In Code section 96.5(1), new paragraph "l" provides that an
17 17 individual shall not be disqualified from benefits if the
17 18 individual voluntarily quit employment during the first 30
17 19 calendar days of employment.

17 20 The bill strikes Code section 96.5(5)(a)(1) in order to
17 21 incorporate the terminology into Code section 96.5(7).

17 22 In Code section 96.5(7), the bill defines "separation pay".
17 23 The subsection provides for the treatment of the receipt of
17 24 separation pay as wages. The bill provides that if
17 25 notification of separation pay by the employer is made after
17 26 10 days of notification of claim filing or if the employer
17 27 fails to designate a period for separation pay to be
17 28 allocated, then the separation pay amount is limited to an
17 29 amount of one week of wages and one week of deduction from
17 30 benefits.

17 31 In Code section 96.6(2), the bill provides that an
17 32 individual may file an appeal of a denial of benefits within
17 33 15 calendar days after receiving notification of the denial
17 34 decision. Under current law the individual must file an
17 35 appeal within 10 calendar days. The bill provides that a
18 1 denial of benefits which causes a benefit overpayment does not
18 2 become final unless an appeal is not filed within 15 calendar
18 3 days of the notification of the overpayment decision. The
18 4 bill provides that an appeal of the overpayments decision
18 5 shall also be considered an appeal of the decision denying
18 6 benefits which caused the overpayment, unless an appeal for
18 7 the denial of benefits has already been held, in which case,
18 8 the overpayment appeal is unaffected.

18 9 In Code section 96.19, the bill adds a definition for
18 10 "alternate base period".

18 11 In Code section 96.19(38)(b), the bill amends the
18 12 definition of partial unemployment. An individual is deemed
18 13 partially unemployed in any week when the individual while
18 14 employed at the individual's regular job works less than the
18 15 full-time week or when the individual is separated from the
18 16 individual's regular job.

18 17 In Code section 96.19(38)(c), the bill provides that an
18 18 individual shall be deemed temporarily unemployed if for a
18 19 period not to exceed eight consecutive weeks the individual is
18 20 unemployed but will be returning to work. The current law
18 21 designates an individual temporarily unemployed for a period
18 22 not to exceed four consecutive weeks.

18 23 In Code section 96.23(2), the bill makes a technical,

18 24 corresponding reference change to the Code.

18 25 The bill provides that any funds received by this state
18 26 from the federal government through section 903 of the federal
18 27 Social Security Act due to enactment of the bill are to be
18 28 appropriated in the future by the general assembly to the
18 29 department of workforce development for the payment of
18 30 unemployment insurance benefits or for the administration of
18 31 the Iowa employment security law and public employment
18 32 offices.

18 33 The section of this Act amending Code section 96.3 applies
18 34 to any week of unemployment benefits beginning on or after
18 35 July 1, 2008. The sections of this Act amending Code sections
19 1 96.4 and 96.5 take effect June 29, 2008, and apply to any
19 2 claim with an effective date on or after June 29, 2008.

19 3 LSB 6638HH 82

19 4 ak/rj/5.1